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April 22, 2020

Hon. Katherine Polk Faila

U.S. District Judge

U.S. Courthouse

40 Foley Square

New York, NY 10007

MEMO ENDORSED

Re: *Qadar v. Pompeo, et. al.* 18 cv 6817 (KPF)

Dear Judge Faila

I am counsel for Manzoor Qadar, the plaintiff in the above referenced matter.

Previously, I filed a Second Amended Complaint, which asserts eleven causes of action against Secretary of State Mike Pompeo, the U.S. Department of State, a U.S. embassy employee (John Doe #1), Attorney General William Barr; and the U.S. Department of Justice, International Prisoner Transfer Unit (the "Defendants"). The Government, on behalf of the Defendants, has indicated it, in lieu of filing its Answer, will respond by filing a motion to dismiss. Their motion is due later this week. Thereafter, my response in opposition and the Government's reply will be submitted. If the motion is denied, then the case will move forward with discovery.

By letter application, dated April 10, 2020, to the Honorable Allyne R. Ross, Senior U.S. District Judge for the Eastern District of New York, I requested leave to be appointed as counsel for Mr. Qadar, pursuant to the CJA Act, for purposes of filing motion for compassionate release under 18 U.S.C. §3582(c)(1)(A) (hereinafter the "Motion"). A courtesy copy of my letter was forwarded to Your Honor and the Government. The application was granted and I have begun preparing the Motion. I hope to file it in thirty days.

Due to this circumstance, in the interest of judicial economy, I believe it is sensible for the litigation, in the above referenced matter, to be held in abeyance pending the outcome of the Motion. In my opinion, in light of the several factors -- including but not limited to: the amount of time that Mr. Qadar has been in prison; the facts and circumstances of his case; his exemplary prison record; and, the denial of family visitation -- there is a meritorious basis for the Motion. Notably, if the Motion is granted then the principal relief sought in the above referenced matter (issuance of visas or a treaty transfer) will be moot.

Accordingly, please accept this letter in lieu of a formal motion requesting a stay of the above referenced matter pending a resolution of the Motion.

I have conferred with the Government and they agree a stay of proceedings makes sense and consent to it. I have also discussed this application with Mr. Qadar and he consents to my submission of this request.

Respectfully submitted,

/s/

Jeffrey G. Pittell

cc: Mary Ellen Brennan, AUSA
Manzoor Qadar

Application GRANTED. Given the circumstances, the Court agrees that a stay is appropriate in this matter. Accordingly, the Court ORDERS this case STAYED while Plaintiff's motion for compassionate release is adjudicated. The Court ORDERS Plaintiff to update the Court on the status of the motion by the earlier of the resolution of the motion or June 1, 2020.

Dated: April 23, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE